



OFFICE OF  
THE GOVERNOR

NO. 19 FY 19/20  
DATE March 24, 2020

## AN ORDER REGARDING ESSENTIAL BUSINESSES AND OPERATIONS

**WHEREAS**, I proclaimed a state of emergency on March 15, 2020 to authorize the use of emergency powers in order to expand and expedite the State's response to the serious health and safety risks of COVID-19; and

**WHEREAS**, Executive Order No. 14 FY 19/20 dated March 18, 2020 restricted certain social gatherings and certain use of restaurants and bars, and strongly recommended use of social distancing to reduce the transmission of COVID-19, which is highly contagious; and

**WHEREAS**, the Maine Center for Disease Control and Prevention advises that additional social distancing measures are warranted to slow the spread of this life-threatening virus in order to save lives and improve the ability of the health care system to respond; and

**WHEREAS**, a governor's emergency powers expressly include the authorities to:

- a. Control the movement of persons and occupancy of premises within the State pursuant to 37-B M.R.S. §742(1)(C)(8);
- b. Enlist the aid of any person to assist in the effort to control the emergency and aid in the caring for the safety of persons pursuant to 37-B M.R.S. §742(1)(C)(5) and 37-B M.R.S. §827;
- c. Utilize all available resources of the State as reasonably necessary to cope with the emergency pursuant to 37-B M.R.S. §742(1)(C)(2); and
- d. Take whatever action is necessary to mitigate a danger that may exist within the State pursuant to 37-B M.R.S. §742(1)(C)(12);

**NOW, THEREFORE**, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to the provisions referenced above, do hereby Order as follows:

### **I. EFFECTIVE DATE**

This Order takes effect at 12:01 AM on March 25, 2020 and terminates at 12:00 AM on April 8, 2020 unless amended, rescinded or renewed.

## **II. ORDERS**

### **A. BUSINESSES AND OPERATIONS COVERED BY THIS ORDER**

For purposes of this Order, covered businesses include any for-profit, non-profit, or entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure and their operations.

### **B. ACTIVITIES OF ESSENTIAL BUSINESSES AND OPERATIONS**

All Essential Businesses and Operations shall continue their activities consistent with the guidance on social distancing set for the below. For purposes of this Order, Essential Businesses and Operations are those:

1. Identified by the United States Department of Homeland Security, Cybersecurity & Infrastructure Security Agency Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response dated March 19, 2020. A copy thereof is attached and incorporated herein by this reference; and
2. In addition or for clarity here in Maine, include the following: food processing and agriculture; fishing and aquaculture; industrial manufacturing; construction and maintenance of essential infrastructure; trash collection and transfer stations; grocery and household goods (including convenience stores); forest products; essential home repair, hardware and auto repair; pharmacy and other medical, psychiatric, and long-term care facilities; group homes and residential treatment facilities; biomedical, life science, behavioral health, health care, dental care, and long-term services and supports providers and organizations; child care providers; post offices and shipping outlets; banks and credit unions; gas stations and laundromats; veterinary clinics, animal welfare and animal feed and supply stores; truck delivery and distribution of goods; public transportation; legal, business, professional, environmental permitting and insurance services; hotel and commercial lodging; and all utilities such as electricity, water, wastewater, and telecommunications.

Essential Businesses and Operations shall to maximum extent practicable have their employees work remotely and otherwise comply with social distancing requirements set forth below, including maintaining six-foot social distancing for both employees and members of the public at all times, including but not limited to, when customers are standing in line.

As urged in Maine Center for Disease Control and Prevention guidance on March 15, 2020, non-urgent medical and dental procedures, elective surgeries, and appointments should be postponed based on consultations between individuals and providers; the use of telehealth and telephone consultation is strongly encouraged.

### **C. ACTIVITIES OF NON-ESSENTIAL BUSINESS AND OPERATIONS**

All Non-Essential Businesses and Operations must cease activities at sites that are public facing and thereby allow customer, vendor or other in-person contact; or are at sites that require more than 10 workers to convene in space where social distancing is not possible. Non-Essential Businesses and Operations may continue those activities that:

1. do not allow customer, vendor or other visitor in-person contact;
2. do not require more than 10 workers to convene in space where social distancing is not possible; and
3. are facilitated to the maximum extent practicable by employees working remotely.

Such permitted activities may include taking orders by phone, email or other remote means and preparing such orders by delivery; maintaining the value of the business's inventory; preserving the condition of the business's physical plant and equipment; ensuring security; and processing payroll, employee benefits and related functions.

For clarity, Non-Essential Business and Operations include, but are not limited to, shopping malls, theaters, casinos, fitness and exercise gyms, spas, barber shops, hair salons, tattoo and piercing parlors, parlors, massage facilities, nail technicians, cosmetologists and estheticians, electrolysis services, laser hair removal services, and similar personal care and treatment facilities and services.

### **D. SOCIAL DISTANCING REQUIREMENTS FOR ALL BUSINESSES**

Businesses covered by this Order, especially "big box" stores that attract more people, shall make all best efforts to implement and actively enforce social distancing requirements in and around their facilities including but not limited to:

1. Designate with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance;
2. Have hand sanitizer and sanitizing products readily available for employees and customers;
3. Implement separate operating hours for elderly and vulnerable customers; and
4. Post online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

## **III. EXECUTIVE 14 FY 19/20 CONTINUED**

Executive 14 FY 19/20 dated March 18, 2020, restricting certain gatherings of more than 10 people and closure of certain services by restaurants and bars is hereby renewed and extended to apply until April 8, 2020 unless otherwise directed.

#### **IV. INTERPRETATION**

The Department of Economic and Community Development is designated as the lead agency for addressing questions regarding the interpretation and application of this Order.

#### **V. ENFORCEMENT**

This Order may be enforced by any governmental department or official that regulates licenses, permits or any other authorization to operate a business or occupy a building. A violation of this Order may be construed a violation of any such license, permit and other authorization to which pertinent penalties may be assessed. This Order may also pursuant to 37-B M.R.S. Section 786 be enforced by law enforcement if necessary.

  
Janet T. Mills  
Governor